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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/781,763	02/20/2004	Ugo Pizzi	2512-1108	3773		
466	7590 09/14	2005	EXAM	EXAMINER		
YOUNG & THOMPSON			FOX, J	FOX, JOHN C		
745 SOUTH 2ND FLOOR	23RD STREET		ART UNIT	PAPER NUMBER		
	N, VA 22202	·.	3753	3753		

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applica	tion No.	Applicant(s)				
Office Action Summary		10/781,	763	PIZZI, UGO				
		Examin	er	Art Unit				
		John Fo		3753				
Period fo	The MAILING DATE of this communic or Reply	ation appears on t	he cover sheet with the	correspondence add	dress			
WHIC - Exter after - If NO - Failu Any i	ORTENED STATUTORY PERIOD FO CHEVER IS LONGER, FROM THE MAnsions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this community of the reply is specified above, the maximum stature to reply within the set or extended period for reply were ply received by the Office later than three months after a patent term adjustment. See 37 CFR 1.704(b).	ILING DATE OF T f 37 CFR 1.136(a). In no on inication. utory period will apply and ill, by statute, cause the a	HIS COMMUNICATIO event, however, may a reply be ti will expire SIX (6) MONTHS from oplication to become ABANDONI	N. mely filed in the mailing date of this co ED (35 U.S.C. § 133).				
Status								
1)[🖂	Responsive to communication(s) filed	on 20 February 2	004.					
· · · · ·	This action is FINAL . 2b)⊠ This action is non-final.							
<i>,</i> —	Since this application is in condition for	<i>,</i> —		osecution as to the	merits is			
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositi	on of Claims							
	· _							
,	 4) ☐ Claim(s) 1-7 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 							
	5) Claim(s) is/are allowed.							
· —	6)⊠ Claim(s) <u>1-7</u> is/are rejected.							
-	Claim(s) is/are objected to.							
8)⊠	Claim(s) 1-7 are subject to restriction	and/or election red	quirement.					
Applicati	on Papers							
	•	Evaminer						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	inder 35 U.S.C. § 119	•						
	Acknowledgment is made of a claim fo	or foreign priority u	nder 35 II S.C. 8 110/s	a)-(d) or (f)				
	All b) Some * c) None of:	n loreign priority a	nder 55 0.5.6. g 119(e	1)-(u) OI (I).				
۵٫۱	1.⊠ Certified copies of the priority documents have been received.							
	Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of		• •		Stage			
	application from the Internation	• •			3			
* See the attached detailed Office action for a list of the certified copies not received.								
A44 - 4	<i>u</i>							
Attachment	t(s) e of References Cited (PTO-892)		4) 🔲 Intonious Summer	, (DTO 442)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date								
3) 🛛 Inform	nation Disclosure Statement(s) (PTO-1449 or P		5) Notice of Informal I 6) Other:	Patent Application (PTO	-152)			
Pape	r No(s)/Mail Date		o) [_] Other					

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This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Figures 1-4

Species B: Figures 5-8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, at least claim 1 appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckland.

As far as the claims can be understood they are met by Ecklund, see elements 18 and 56, and Figures 5 and 6.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Increased Flextime.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Fox Primary Examiner Art Unit 3753